



THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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MARY F. MCTIGUE  
DIRECTOR

April 4, 1990  
AO-90-11

John Bluthardt  
Women's State-Wide Legislative  
Network of Massachusetts  
37 Temple Place  
Boston, MA 02111

Dear Mr. Bluthardt:

This letter is in response to your request for an advisory opinion.

You have stated that the Women's State-Wide Legislative Network of Massachusetts (the "Network") is a non-profit, 501(c)(3) educational organization comprised of individuals and organizations that train women to participate in the public policy process. The Network keeps its members and the public up to date on public policy issues affecting women, such as day care, pay equity, violence against women, housing issues, poverty, etc. The Network holds workshops and seminars on these issues. The Network organizes women of color and older women to research and define the issues affecting their constituencies. In addition, the Network publishes educational materials relating to the legislative process, public policy issues and women's issues.

You have further noted that the U. S. Internal Revenue Service has deemed the Network to be a tax-exempt entity, and as such the Network is precluded from participating in the political process by means of lobbying.

You have inquired whether public employees may solicit and receive contributions for the Network.

Section 13 of M.G.L. c.55 states, in part:

No person employed for compensation, other than an elected officer, by the commonwealth or any county, city, or town shall directly or indirectly solicit or receive any gift, payment, contribution, assessment, subscription or promise of money or other thing of value for the political campaign purposes of any candidate for public office or of any political committee, or for any political purpose whatever, but this section shall not prevent such persons from being members of political organizations or committees.

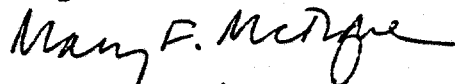
Persons who are employed for compensation by the commonwealth, or any political subdivision thereof, would be precluded from fundraising on behalf of the Network only if the activities of the Network were deemed to be "political". This office has long differentiated between "political" activities and "humanitarian" activities. While the activities of the Network may be considered more "civic" than "humanitarian", they clearly do not fall within the meaning of "political" in section 13 of M.G.L. c.55. (We would note that lobbying is not a political activity under the provisions of M.G.L. c.55, and in fact, expenditures for lobbying made by political committees organized under M.G.L. c.55 are prohibited, see 970 C.M.R.2.06(6)(b)(3)). It is therefore the opinion of this office that public employees would be permitted to solicit contributions for the Network.

We would caution you that if the Network's activities in the future extend to direct or active support of one or more candidates, e.g. direct campaign contributions or in-kind contributions of training on how to run a campaign, get out the vote, or the like, or for support of or opposition to questions appearing on the state or local ballot, such activities may be considered to be "political" rather than "civic" or "humanitarian." Such activities would not only affect public employees working for the Network, but could also affect the Network's own status under the provisions of M.G.L. c.55.

This opinion is based solely on the representations in your letter and is rendered solely in the context of M.G.L. c.55.

Should you have additional questions, please do not hesitate to contact this office.

Very truly yours,



Mary F. McTigue  
Director

MFM/wp